110TH CONGRESS
1ST SESSION

H. R. 1521

To amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2007

Mr. KAGEN (for himself, Mr. ALTMIRE, Mr. LARSON of Connecticut, Ms. CASTOR, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. FARR, Mr. CLEAVER, Mr. HIGGINS, Mr. MCNULTY, Ms. HIRONO, Mr. COHEN, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Universal Health Act

5 of 2007: Repeal of the Late Enrollment Penalty in Medi-

6 care Part D".

SEC. 2. REMOVING THE MEDICARE PRESCRIPTION DRUG BENEFIT LATE ENROLLMENT PENALTY.

(a) IN GENERAL.—Section 1860D–13 of the Social Security Act (42 U.S.C. 1395w–113) is amended—

(1) in the heading, by striking "**; LATE EN-ROLLMENT PENALTY**";

(2) in subsection (a)(1), by striking subparagraph (D);

(3) by striking subsection (b); and

(4) in subsection (c)—

(A) in paragraph (1), by striking "(and any late enrollment penalty)";

(B) by striking paragraph (2); and

(C) in paragraph (3), by striking "paragraph (2) shall not apply and".

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–1 of such Act (42 U.S.C. 1395w–101) is amended—

(A) in subsection (b)—

(i) in paragraph (3), by striking subparagraph (A); and

(ii) by striking paragraph (6); and

(B) in subsection (c), by striking paragraph (4).

(2) Section 1860D–11(g)(6) of such Act (42 U.S.C. 1395w–111(g)(6)) is amended by striking

1 "Except for as provided in section 1860D–13(b) (re-
2 lating to late enrollment penalty) and subject" and
3 inserting "Subject".

4 (3) Section 1860D–14 of such Act (42 U.S.C.
5 1395w–114) is amended—

6 (A) by amending subsection (a)(1)(A) to
7 read as follows:

8 "(A) FULL PREMIUM SUBSIDY.—An income-re-
9 lated premium subsidy equal to 100 percent of the
10 amount described in subsection (b)(1), but not to ex-
11 ceed the premium amount specified in subsection
12 (b)(2)(B)."; and

13 (B) in subsection (b)(2)(B), by striking
14 "The premium amounts described in this sub-
15 paragraph do not include any amounts attrib-
16 utable to late enrollment penalties under section
17 1860D–13(b).".

18 (4) Section 1860D–16(b)(3) of such Act (42
19 U.S.C. 1395w–116(b)(3)) is amended by striking
20 "(and the portion of late enrollment penalties)".

21 (5) Section 1860D–41(a) of such Act (42
22 U.S.C. 1395w–141(a)) is amended by striking para-
23 graph (3).

1   (6) Section 1882(v)(2)(B)(ii) of such Act (42

2 U.S.C. 1395ss(v)(2)(B)(ii)) is amended to read as

3 follows:

4   "(ii) If the individual does not enroll in a

5   plan under part D during such period, the indi-

6   vidual may continue enrollment in the individ-

7   ual's current plan without change, but the indi-

8   vidual will not be guaranteed the option of en-

9   rollment in another medicare supplemental pol-

10   icy pursuant to paragraph (3).".

11 **SEC. 3. EFFECTIVE DATE.**

12   The amendments made by this Act shall be effective

13 as of the date of the enactment of this Act and shall apply

14 to monthly beneficiary premiums for months beginning

15 after such date.

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